

## CONFLICT OF INTEREST POLICY

Effective Date: August 1, 2008

State Approved Date: October 24, 2008

### Policy:

The purpose of this protocol is to ensure that Aging and Disability Resource Center (ADRC) staff avoid conflicts of interest when providing ADRC services (information and assistance, options counseling, functional screening, and/or benefit specialist) so that people who access the ADRC receive appropriate and effective services. The ADRC is committed to putting the interests of the individuals who seek services first and to resolving potential conflict of interest issues in a manner that protects the person to the extent possible.

### Procedure:

- **Possible Conflicts of Interest with the Care Management Organization (CMO)**

Conflicts of interest related to the ADRC's mission to serve the general public may arise between an ADRC and CMO in several situations, including when the ADRC performs enrollment counseling, determining the date of an individual's enrollment and disenrollment, completing the long term care functional screen, and providing assistance with appeals and grievances and advocacy on behalf of CMO members.

ADRC staff will:

- provide information regarding all available options for long term care, including private pay options and public benefit options. Information on public benefits must include fee-for-service Medicaid, the Self-Directed Supports Waiver, Family Care and Family Care Partnership programs.
- perform the initial Long Term Care Functional Screen (LTCFS) to determine an applicant's functional eligibility for long term care. The CMO performs the annual and change in condition LTCFS for their members. The ADRC will be prepared to represent their screen results should a discrepancy between the CMO and the ADRC results be called into question by a CMO member. A CMO cannot require the ADRC to change a LTCFS. However, the CMO may ask the ADRC to complete a LTCFS as part of a quality review check.
- assist individuals applying for Medicaid and enrolling in public long term care programs. Part of this process involves setting the date that the individual will be enrolled into the program. Several factors should be discussed with the individual to help them decide on the best date for their circumstances. If an individual needs to be enrolled as soon as possible, the process documented for Urgent Services in the enrollment plan should be followed. The date of enrollment for individuals is not set by the CMO.

When a CMO member decides to disenroll, their care manager or other party should refer the individual to the ADRC for disenrollment counseling. This counseling serves several purposes, one of which is to determine the disenrollment date. Several factors should be discussed with the individual to help them decide on the best course of action for their circumstances. This counseling includes discussion of the reasons the individual wants to disenroll, what other options to disenrolling might exist, the options the individual has to meet their on-going long term care needs when they disenroll and the date they want to disenroll.

Services offered by the ADRC include assistance with the appeals and grievance processes related to long term care, including CMOs. CMO members should first work with the internal CMO advocate to resolve their issues. If the individual does not feel satisfied with the results of the internal CMO process, the ADRC can assist them in exercising their appeal rights. Benefit specialists can provide advocacy on the member's behalf, including assisting a person at a State Fair Hearing.

The ADRC also provides advocacy related to long term care services. These activities may include working on behalf of an individual to have the CMO include their chosen provider in the CMO network if that provider meets CMO standards.

- **Possible Conflicts of Interest with Economic Support**

Another possible conflict of interest related to the ADRC's mission to serve the public is the determination of eligibility for public programs. A good working relationship between the ADRC staff and Economic Support staff is important in assisting people to have timely access to the benefits that they qualify to receive. There will be occasions when an individual is denied financial eligibility and will ask the ADRC for assistance. Information and Assistance Specialist, as well as Benefit Specialists, will assist individuals by providing direct advocacy on their behalf with Economic Support or by providing assistance with the appeals and grievance process.

- **Possible Conflicts of Interest with Long Term Care Service Providers**

Possible conflicts of interest related to the ADRC's mission to serve the public could arise regarding service providers. The ADRC provides information and suggests options to individuals inquiring about long term care services. However, the options presented to individuals will not favor a particular provider or type of service over another, unless specific information is requested by the individual.

The ADRC:

- will provide information regarding long term care services available in the area. Providers of long term care services may approach the ADRC with free promotional items and gifts, such as filled candy jars, calendars, pens or other office supplies. Displaying these items by placing them in the lobby or meeting areas, or if used by staff when meeting with the public, is a form of promotion and will not occur in the ADRC.

- is a trusted source of information and may display informational brochures or other materials regarding programs and services available in the area, including from specific providers. The ADRC will review the information in the brochures to ensure the information being presented is accurate, as far as can be reasonably known by the ADRC staff. Known inaccurate or outdated information will not be displayed.
- staff need to understand the programs and services available in the area. To develop this understanding, providers of programs and services may provide education to the ADRC staff directly. This education will be scheduled to ensure that this information is provided in a fair and unbiased manner and education time is given to other providers upon request.

- **Possible Conflicts of Interest with the Public**

Another area of possible conflict of interest with the ADRC's mission to serve the public involves individual staff members in the ADRC.


If a staff member:

- is familiar with an individual seeking services at the ADRC and does not feel that they could provide unbiased information to that person, they will ask the supervisor to be excused from working with that individual.
- knows that they (or a family/household member) are related to an individual seeking services at the ADRC and the staff member could potentially be providing ADRC services to the individual, the staff member will inform the ADRC Manager of the circumstances.
- believes that any conflict of interest exists or may exist, the ADRC Manager must be consulted. If after consultation it is determined that a conflict of interest exists or may exist, the ADRC Manager will consider the nature of the conflict and may either
  - assign another staff person to provide the needed services or advocacy, or
  - direct staff to assist the individual to access another service or advocacy organization outside of the ADRC.
- should inform the individual about the potential conflict of interest and the results of the Manager's decision.

ADRC staff will also be alert to and avoid potential conflicts of interests that may interfere with the provision of effective advocacy when another Section of the Health and Human Services is involved. Staff must inform the individual of the potential conflict of interest, explain why he/she may wish to be represented by another organization outside of the County system and offer to connect the person to another advocate if he/she chooses.

If ADRC staff (or their families) have a financial interest in the CMO or in a long term care provider serving their area (e.g. a family member is employed by the CMO or provider), the staff member must disclose that information to the Health and Human Services and to anyone with whom they perform options or enrollment counseling. Health and Human Services will determine how the financial interest impacts the staff's duty assignments with the ADRC.

Approved by:




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Fred Johnson, HHS Director

8/1/08

Date



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Brad Beckman, ADRC Manager

8-1-08

Date

Revised: October 10, 2008